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09/916,913	07/27/2001	Hisashi Ohtapi	SEL-147 CON	9231

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EXAMINER

COLLINS, DEVEN M

ART UNIT PAPER NUMBER

2823

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/916,913

Applicant(s)

OHTANI, HISASHI

Examiner

D. M. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-6 and 12-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 and 12-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-3 had been cancelled in Amendment A.

2. Claims 4-6 provide for the use of thin film transistors, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 4-6 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

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*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 12-43 are rejected under 35 U.S.C. 102(e) as being unpatentable over Yamazaki et al. (6,242,758, dated 6/5/01).

Yamazaki et al. show the device as claimed in the Figures 1-3 with corresponding text.

In re claim 12, Yamazaki et al. disclose an organic electroluminescence display device (Fig. 3) comprising:  
a resin substrate (301, 302); and an insulating film 104 comprising a nitride on the resin substrate.

In re claim 13, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 12 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col. 3, line 41).

In re claim 14, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 12 wherein said insulating film 104 comprises a material selected from the group consisting of silicon nitride and silicon oxy-nitride.

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In re claim 15, Yamazaki et al. disclose an organic electroluminescence display device (Fig. 3) comprising:

a resin substrate (301, 302); and an underlying insulating film 104 formed on the resin substrate,

wherein the underlying insulating film comprises a first insulating film comprising a nitride and a second insulating film comprising silicon oxide.

In re claim 16, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 15 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col. 3, line 41).

In re claim 17, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 15 wherein said first insulating film comprises a material selected from the group consisting of silicon nitride and silicon oxy-nitride.

In re claim 18, Yamazaki et al. disclose an organic electroluminescence display device (Fig. 3) comprising:  
a resin substrate (301,302); an insulating film 104 comprising a nitride on the resin substrate; and  
a thin film transistor 305 formed over the insulating film.

In re claim 19, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 18 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col. 3, line 41).

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In re claim 20, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 18 wherein said insulating film 104 comprises a material selected from the group consisting of silicon nitride and silicon oxy-nitride.

In re claim 21, Yamazaki et al. disclose an organic electroluminescence display device (Fig. 3) comprising:  
a resin substrate (301, 302); an underlying insulating film 104 formed on the resin substrate; and  
a thin film transistor 305 formed over the underlying insulating film, wherein the underlying insulating film comprises a first insulating film comprising a nitride and a second insulating film comprising silicon oxide.

In re claim 22, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 22 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col. 3, line 41).

In re claim 23, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 22 wherein said first insulating film comprises a material selected from the group consisting of silicon nitride and silicon oxy-nitride.

In re claim 24, Yamazaki et al. disclose an organic electroluminescence display device (Fig. 3) comprising:  
a resin substrate (301, 302); an insulating film 104 comprising a nitride on the resin substrate; and  
a channel region of a thin film transistor 305, wherein the channel region comprises amorphous silicon and is formed over the insulating film 104.

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In re claim 25, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 24 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col. 3, line 41).

In re claim 26, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 24 wherein said insulating film 104 comprises a material selected from the group consisting of silicon nitride and silicon oxy-nitride.

In re claim 27, Yamazaki et al. disclose an organic electroluminescence display device (Fig. 3) comprising:  
a resin substrate (301, 302) ; an underlying insulating film 104 formed on the resin substrate; and  
a channel region of a thin film transistor 305 formed over the underlying insulating film, said channel region comprising amorphous silicon, wherein the underlying insulating film comprises a first insulating film comprising a nitride and a second insulating film comprising silicon oxide.

In re claim 28, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 27 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col. 3, line 41).

In re claim 29, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 27 wherein said insulating film 104 comprises a material selected from the group consisting of silicon nitride and silicon oxy-nitride.

In re claim 30, Yamazaki et al. disclose an organic electroluminescence display device (Fig. 3) comprising:

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a resin substrate (301,302); an insulating film 104 comprising a nitride on the resin substrate; and a channel region of a thin film transistor 305, wherein the channel region comprises crystalline silicon and is formed over the insulating film 104.

In re claim 31, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 30 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col.3, line 41).

In re claim 32, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 30 wherein said insulating film 104 comprises a material selected from the group consisting of silicon nitride and silicon oxy-nitride.

In re claim 33, Yamazaki et al. disclose an organic electroluminescence display device (Fig. 3) comprising:  
a resin substrate (301, 302); an underlying insulating film 104 formed on the resin substrate; and a channel region of a thin film transistor 305 formed over the underlying insulating film, said channel region comprising crystalline silicon, wherein the underlying insulating film comprises a first insulating film comprising a nitride and a second insulating film comprising silicon oxide.

In re claim 34, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 33 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col. 3, line 41).



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In re claim 35, Yamazaki et al. disclose the organic electroluminesence display device (Fig. 3) according to claim 33 wherein said insulating film 104 comprises a material selected from the group consisting of silicon nitride and silicon oxy-nitride.

In re claim 36, Yamazaki et al. disclose an organic electroluminesence display device (Fig. 3) comprising:  
a resin substrate (301, 302) ; and an insulating film comprising an oxy-nitride on the resin substrate.

In re claim 37, Yamazaki et al. disclose the organic electroluminesence display device (Fig. 3) according to claim 36 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col. 3, line 41).

In re claim 38, Yamazaki et al. disclose an organic electroluminesence display device (Fig. 3) comprising:  
a resin substrate (301, 302); an insulating film 104 comprising an oxy-nitride on the resin substrate; and a thin film transistor formed 305 over the insulating film.

In re claim 39, Yamazaki et al. disclose the organic electroluminesence display device (Fig. 3) according to claim 38 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col.3, line 41).

In re claim 40, Yamazaki et al. disclose an organic electroluminesence display device (Fig. 3) comprising:

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a resin substrate (301, 302); an insulating film 104 comprising an oxy-nitride on the resin substrate; and a channel region of a thin film transistor 305, wherein the channel region comprises amorphous silicon and is formed over the insulating film.

In re claim 41, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 40 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col. 3, line 41).

In re claim 42, Yamazaki et al. disclose an organic electroluminescence display device (Fig. 3) comprising:

a resin substrate (301, 302) ; an insulating film 104 comprising an oxy-nitride on the resin substrate; and a channel region of a thin film transistor 305, wherein the channel region comprises crystalline silicon and is formed over the insulating film.

In re claim 43, Yamazaki et al. disclose the organic electroluminescence display device (Fig. 3) according to claim 42 wherein said resin substrate (301, 302) comprises polyethylene terephthalate (col. 3, line 41).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Deven M. Collins whose telephone number is (703) 305-7840.

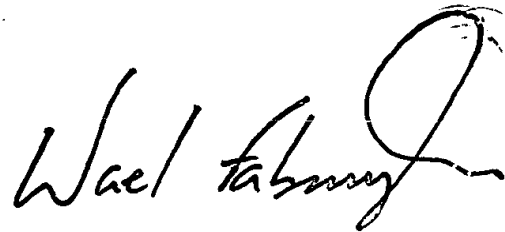
The examiner can normally be reached on Monday-Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael M. Fahmy, can be reached on (703) 308-4918. The fax phone number for this Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

DMC

April 8, 2002

A handwritten signature in black ink, appearing to read "Wael Fahmy". The signature is fluid and cursive, with a large loop at the end.

SUPERVISORY PRIMARY EXAMINER  
TECHNOLOGY CENTER 2000